

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

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**BRANDON LEE,**

**Plaintiff,**

**v.**

**9:12-CV-1018  
(FJS/CFH)**

**MICHAEL GRAZIANO, Superintendent,  
Greene Correctional Facility,**

**Defendant.**

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**APPEARANCES**

**OF COUNSEL**

**BRANDON LEE**  
6 Rainbow Lane  
Amityville, New York 11701  
Plaintiff *pro se*

**OFFICE OF THE NEW YORK  
STATE ATTORNEY GENERAL**  
The Capitol  
Albany, New York 12224  
Attorneys for Defendant

**KEVIN M. HAYDEN, AAG**

**SCULLIN, Senior Judge**

**ORDER**

Currently before the Court is Magistrate Judge Hummel's March 18, 2014 Report-Recommendation and Order, in which he recommended that this Court grant Defendant's motion to dismiss, *see* Dkt. No. 32, and dismiss Plaintiff's amended complaint, *see* Dkt. No. 13, with prejudice. The parties did not file any objections to these recommendations.

When a party does not object to a magistrate judge's report-recommendation, the court reviews that report-recommendation for clear error or manifest injustice. *See Linares v. Mahunik*, No. 9:05-CV-625, 2009 WL 3165660, \*10 (N.D.N.Y. July 16, 2009) (citation and footnote omitted). After conducting this review, "the Court may 'accept, reject, or modify in whole or in part, the . . . recommendations made by the magistrate judge.'" *Id.* (quoting 28 U.S.C. § 636(b)(1)(C)).

The Court has reviewed Magistrate Judge Hummel's March 18, 2014 Report-Recommendation and Order for clear error and manifest injustice; and, finding none, the Court hereby

**ORDERS** that Magistrate Judge Hummel's March 18, 2014 Report-Recommendation and Order is **ACCEPTED in its entirety** for the reasons stated therein; and the Court further

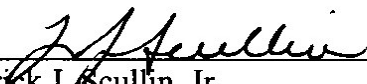
**ORDERS** that Defendant's motion to dismiss is **GRANTED**; and the Court further

**ORDERS** that Plaintiff's amended complaint is **DISMISSED** with prejudice; and the Court further

**ORDERS** that the Clerk of the Court shall serve a copy of this Order on the parties in accordance with the Local Rules.

**IT IS SO ORDERED.**

Dated: April 9, 2014  
Syracuse, New York

  
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Frederick J. Scullin, Jr.  
Senior United States District Court Judge